

REMARKS/ARGUMENTS

Applicants reserve the right to prosecute any and all of the nonelected subject matter in a divisional application should it prove necessary to do so.

Reconsideration and withdrawal of the restriction requirement is respectfully requested. Any search of the ceramic nanofiltration membrane is certain to include a search of the process of producing the same, and any search of producing a ceramic nanofiltration membrane is also certain to include a search of the membrane itself as well. Accordingly, no additional burden would be placed on the Patent Office in searching both groups together. By contrast, a very great burden will be placed on Applicants if this restriction requirement is maintained. Applicants will be subjected to twice the cost and effort in prosecuting two patent applications for an invention that should have been included in one application, and will also be subjected to the continuing expense of maintaining two separate patents, whereas only one should be required to cover the full invention.

In addition, an additional burden will be placed on the public, in that the full scope of Applicants' invention will not be ascertainable from a single patent, and the public will have to find and study two separate patents to ascertain the full scope of Applicants' exclusive rights.

The great additional burden that will be placed on Applicants and the public in maintaining the restriction requirement is far greater than the slight, if any, additional burden that will be placed on the Patent Office in withdrawing the restriction requirement.

It is therefore respectfully requested that the Examiner withdraw the restriction

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requirement. In the event that the Examiner does not withdraw the restriction requirement, Applicants respectfully request that the Examiner rejoin and examine the non-elected subject matter in the event that the elected subject matter is found to be allowable.

With respect to the species election, Applicants note that both species (A) and (B) are actually the same, i.e., "hydrophobing agent applied in the liquid phase."

However, it appears from the remainder of the document that the species election is actually between "hydrophobing agent applied in the liquid phase" and "hydrophobing agent applied in the gas phase." If this is incorrect, then Applicants respectfully request that the Examiner reissue the restriction requirement with the species correctly delineated.

The Examiner states that claim 1 is generic and the above-referred to species lack the same or corresponding technical features for the reason that the hydrophobing agents in liquid phase would not be same as hydrophobing agents in the gas phase and this difference would result in membranes having different structures.

However, there is no support for this in the record and, moreover, Applicants disagree, as the physical state is not likely to influence the general properties of a distinct substance. Therefore, it is simply a matter of temperature and/or pressure whether the respective "hydrophobing agent" at the time of its appliance is gaseous or liquid.

Therefore, one distinct substance can be applied in both physical states to the membrane. The later membrane is certainly not permanently cooled and/or heated, resulting in a solid layer of the hydrophobing agent on the surface of such.

On the other hand, it is certainly a relevant property of the process for producing such membrane whether the applied agent is liquid or gaseous, as other process parameters possibly need to be adjusted to such change of state of the agent.

Any search of the "hydrophobing agent" is certain to include a search of the gaseous and liquid hydrophobing agent. Accordingly, no additional burden would be placed on the Patent Office in searching both species together.

By contrast, a very great burden will be placed on Applicants if this species election requirement is maintained. Applicants will be subjected to twice the cost and effort in prosecuting two patent applications for an invention that should have been included in one application, and will also be subjected to the continuing expense of maintaining two separate patents, whereas only one should be required to cover the full invention.

In addition, an additional burden will be placed on the public, in that the full scope of Applicants' invention will not be ascertainable from a single patent, and the public will have to find and study two separate patents to ascertain the full scope of Applicants' exclusive rights.

The great additional burden that will be placed on Applicants and the public in maintaining the species election requirement is far greater than the slight, if any, additional burden that will be placed on the Patent Office in withdrawing the species election requirement.

It is therefore respectfully requested that the Examiner withdraw the species election requirement as well.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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